

NOV 15 2016



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY**

**REGION IX**  
75 Hawthorne Street  
San Francisco, CA 94105

Certified Mail  
7016 1370 0000 2235 0742

Certified Mail No.  
Return Receipt Requested

Notice of Violation and Request for Information Pursuant to Section 3007(a) of the Resource Conservation and Recovery Act

Mr. Nick Garofalo  
General Manager  
Schnitzer Steel Industries, Inc.  
Campbell Industrial Park  
91-056 Hanua Street  
Kapolei, HI 96707

Dear Ms. Garofalo:

On May 4, 2016, representatives of the U. S. Environmental Protection Agency (EPA) Region IX, accompanied by representatives of the Hawaii Department of Health (HDOH), performed a Sampling Evaluation at Schnitzer Steel Industries, Inc (herein after Schnitzer or Facility), located at 91-056 Hanua Street in Campbell Industrial Park, Kapolei, Hawaii, 96707, EPA Identification Number HID033167412. During the course of this investigation, information was gathered in accordance with Section 3007 of the Resource Conservation and Recovery Act (RCRA), as amended, 42 U.S.C. § 6927.

Notice of Violation

A copy of the investigation report and analytical testing results for the May 4, 2016 Sampling Evaluation is enclosed for your information and response. The report describes conditions at the facility at the time of the investigation and identifies an area of noncompliance with RCRA regulations and potential violations of the State of Hawaii authorized program under RCRA Subtitle C. Any omissions in the report shall not be construed as a determination of compliance with applicable regulations.

Pursuant to Section 3008 of RCRA, 42 U.S.C. 6928, you are required to correct the area of noncompliance identified in the report and to submit documentation of their correction to EPA within 30 calendar days of your receipt of this letter.

Your response must include a letter signed by a duly authorized official of your facility, certifying correction of the identified areas of noncompliance. Documentation of your return to compliance may consist of, among other items, photographs, manifests, and revised records. Where compliance cannot be achieved within 30 calendar days, you must provide the reasons for the delay, a description of each corrective action planned, and a schedule on which each corrective action will be taken.

#### Request for Information

EPA is also seeking more information concerning operations at the facility. Under the provisions of Section 3007(a) of the Resource Conservation and Recovery Act (RCRA), 42 U.S.C. 6927(a), EPA may require persons subject to RCRA to furnish information necessary for EPA to administer the Act. Pursuant to EPA's authority set forth in Section 3007(a), you are hereby requested to submit the documentation requested in Attachment I to this letter using the instructions included in Attachment II within 30 calendar days. Please also complete and submit the certification included as Attachment III to this letter.

Section 3008 of RCRA, 42 U.S.C. 6928, authorizes the initiation of a civil enforcement proceeding for failure to respond fully to the information request set out in this letter. Section 3008 also authorizes criminal prosecution for knowingly making a false statement or omitting material information.

This request for information is not subject to review by the Office of Management and Budget (OMB) under the Paperwork Reduction Act because it is not an "information collection request" within the meaning of 44 U.S.C. §§ 3502(4) and (11), 3507, 3512, and 3518. Furthermore, it is exempt from OMB review under the Paperwork Reduction Act because it is directed to fewer than ten persons. 44 U.S.C. § 3502(4), (11); 5 CFR § 1320.5(a).

#### Confidential Business Information

EPA routinely provides copies of investigation reports to state and tribal agencies, and upon request, to the public. Such releases are handled according to the Freedom of Information Act regulations (40 CFR Part 2). If you believe the investigation report of the May 4, 2016 inspection contains privileged or confidential information, you may make a claim within 14 calendar days from your receipt of this letter. EPA will construe your failure to furnish a timely claim as a waiver of the confidentiality claim.

EPA regulations governing confidentiality of business information are set forth in 40 CFR Part 2, Subpart B. For any portion of the information submitted which is entitled to confidential treatment, please assert a confidentiality claim in accordance with 40 CFR 2.203(b). If EPA determines that the information so designated meets the criteria set forth in 40 CFR

2.208, the information will be disclosed only to the extent, and by means of the procedures specified in 40 CFR Part 2, Subpart B. EPA will construe the failure to furnish a confidentiality claim with your response to this letter as a waiver of that claim. Accordingly, EPA may make information available to the public without further notice.

By copy of this letter, EPA is providing HDOH with notice of the referenced violation of Subtitle C of RCRA.

EPA reserves the right to take further enforcement action as it deems appropriate. Violations of Subtitle C of RCRA such as those listed in the enclosed report may be punishable by civil and criminal actions, including penalties of up to \$37,500 per day for each violation as provided by Section 3008 of RCRA.

Your certification of correction of the identified areas of noncompliance and response to the information request must include a letter signed by a duly authorized official of your facility. Your response to the Notice of Violation is due within **30** calendar days of your receipt of this letter. Your response to the Request for Information is due within **30** calendar days of your receipt of this letter. If you believe this report contains privileged or confidential information, you may make a claim within **14** calendar days of your receipt of this letter. Please send the responses by certified mail, return receipt requested, addressed to.

Kandice Bellamy  
Mailcode: ENF-2-2  
U.S. Environmental Protection Agency  
75 Hawthorne Street  
San Francisco, CA 94105

In lieu of submitting the requested response by mail, Schnitzer may submit the response as portable document files via electronic mail to Ms. Kandice Bellamy at [bellamy.kandice@epa.gov](mailto:bellamy.kandice@epa.gov).

Thank you for your prompt attention to this matter. If you have any questions, please contact Ms. Kandice Bellamy of my staff at (415) 972-3304 or [bellamy.kandice@epa.gov](mailto:bellamy.kandice@epa.gov).

Sincerely,



Douglas K. McDaniel  
Chief, Waste and Chemical Section  
Enforcement Division

## ATTACHMENT I

Pursuant to U.S. EPA's authority under Section 3007(a) of RCRA, Schnitzer is requested to submit to U.S. EPA the following information:

1. Provide a copy of the current Solid Waste Permit (this document was requested at the time of the sampling investigation).
2. Provide copies of the analytical results for annual ASR profiles submitted to Waimanalo Gulch Sanitary Landfill for years 2014 – 2016 (these records were requested at the time of the sampling investigation).
3. For the annual analyses above, please describe: (a) the volume of material sampled; (b) the number of samples taken; (c) analytical method performed; (d) utilization of arithmetic or statistical (upper confidence level of a mean) methodology to arrive at a waste characterization for the volume of material sampled.
4. For the time period specified in #2, provide the amount of ASR shipped offsite and identify any facilities other than Waimanalo Gulch Sanitary Landfill that received the ASR.
5. If any analyses were performed other than those described in #2 up until May 3, 2016, provide the analytical results.
6. Provide analytical results for the split samples provided during the May 4, 2016 sampling investigation.